

SECOND REGULAR SESSION

# SENATE BILL NO. 1360

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR JACOB.

Read 1st time March 1, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

4684S.011

## AN ACT

To repeal section 537.046, RSMo, and to enact in lieu thereof one new section relating to statute of limitations for childhood sexual abuse cases.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 537.046, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.046, to read as follows:

537.046. 1. As used in this section, the following terms mean:

(1) "Childhood sexual abuse", any act committed by the defendant against the plaintiff which act occurred when the plaintiff was under the age of eighteen years and which act would have been a violation of section 566.030, 566.040, 566.050, 566.060, 566.070, 566.080, 566.090, 566.100, 566.110, or 566.120, RSMo, or section 568.020, RSMo;

(2) "Injury" or "illness", either a physical injury or illness or a psychological injury or illness. A psychological injury or illness need not be accompanied by physical injury or illness.

2. [In any civil action for recovery of damages suffered as a result of childhood sexual abuse, the time for commencement of the action shall be within five years of the date the plaintiff attains the age of eighteen or within three years of the date the plaintiff discovers or reasonably should have discovered that the injury or illness was caused by child sexual abuse, whichever later occurs.] **Any action to recover damages from injury or illness caused by childhood sexual abuse in an action brought pursuant to this section, shall be commenced within ten years of the plaintiff attaining the age of twenty-one or within three years of the date of discovering, or reasonably should have discovered, that the injury or illness was caused by childhood sexual abuse, whichever later occurs.**

3. This section shall apply to any action commenced on or after August 28, 1990,

**EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

including any action which would have been barred by the application of the statute of limitation applicable prior to that date.

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